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October 28, 2009

Pierce County Council  
930 Tacoma Ave So, Rm 1046  
Tacoma, WA 98402

Re: Ordinance 2009-71s

Dear Council Members:

I'd like to thank the Council and staff for their hard work and consideration that went into the adoption of Ordinance 2009-71s. It appears that many of the proposed amendments will benefit the citizens of Pierce County and better assist staff in future planning efforts. However, as I review the ordinance for final signature, there are two proposed amendments that cause me great concern and deserve further attention. They are proposed text amendment T-6 and urban growth amendment U-8a. My concerns are as follows:

**Amendment T-6** contains recommendations, made by the UGA ad hoc committee that affect criteria used when considering the expansion of an urban growth area. The committee consisted of both citizens and representatives from cities and towns. Many of the recommended changes foster opportunities for joint planning and additional public participation. I commend the committee for this work. However, there is one area planning staff identified in the staff report to Planning Commission that conflicts with the Growth Management Act and existing Pierce County policy. Specifically, Policy LU-UGA Objective 6.as contained in the amendment states that:

“urban growth area is evaluated and the need for additional residential land capacity within all and any specific urban growth area is clearly demonstrated...”

This statement in the amendment is intended to imply that urban growth area expansions should be based on the need of individual cities or towns, not collectively countywide. As stated in the PALS staff report, this policy direction appears to be inconsistent with GMA and Central Puget Sound Hearing Board decisions. Furthermore, LU-UGA Objective 1.B.2.b refers to a 25% safety factor and that it should be derived from the combined urban growth areas, not individual urban growth areas.

**Amendment U-8a** (Merriman) proposes to convert 5.2 acres of land from Rural Separator to Moderate Density Single-Family. The original proposal included a companion amendment, as required by Section 19C.10.055 F. In other words, for expansions of the urban growth area for residential lands when the existing UGA has excess capacity, a companion amendment with a



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commensurate reduction is required. The Council did not adopt the companion amendment, thus contradicting the procedures for amendments to the UGA. Also, the Mid-County Community Plan states to preserve the rural character in the community by ensuring there is no net loss of Rural Separator lands and specifies "no net loss" of Rural Separator lands shall occur after the adoption of the Mid-County Community Plan. Countywide Planning Policy UGA-2.2 states the designation of a UGA follow "geographic, topographic, and manmade features," such as road boundaries, not parcel boundaries. The approval of this amendment does not meet the spirit of this policy and would create a situation similar to "spot zoning," as the proposed UGA expansion area is on the opposite side of an arterial from other properties within the UGA.

Lastly, I am concerned with legal and staffing resources we might expend defending this ordinance in the likelihood of an appeal. For this reason, and those described above, I am respectfully vetoing Ordinance 2009-71s as adopted on October 13, 2009. I urge you to reconsider these portions of the ordinance to achieve consistency with our adopted policies and the Growth Management Act.

Sincerely,

A handwritten signature in cursive script that reads "Pat McCarthy". The signature is written in black ink and is positioned to the right of the typed name and title.

Pat McCarthy  
Pierce County Executive